

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

BETTE JEAN MCDONALD,

Plaintiff,

vs.

10-cv-06702 (DGL) (JWF)

JOHN E. GILBERT, III,

Defendant.

**STIPULATION AND PROPOSED ORDER PROVIDING FOR THE DEPOSITION OF
CORILYNN MULLEN (FORMERLY "CORILYNN ROCK")**

Whereas Corilynn Mullen, *nee* Corilynn Lorenzo (formerly "Corilynn Rock") is currently incarcerated, has knowledge relevant to plaintiff Bette Jean McDonald's claims against Officer John Gilbert, and because the parties anticipate that Ms. Mullen will be incarcerated at the time of the trial of Ms. McDonald's claims,

IT IS HEREBY STIPULATED AND AGREED by and among the undersigned parties that they consent to the taking of the deposition of Corilynn Mullen, an incarcerated person, pursuant to Rule 30(a)(2)(B) of the Federal Rules of Civil Procedure, on a date to be mutually agreed upon, but no later than June 29, 2012, at Bedford Hills Correctional Facility, Bedford Hills, New York, in support of Ms. McDonald's claims. The deposition will be recorded by stenographic and videographic means in accordance with Fed. R. Civ. P. 30(b)(3); parties will be accompanied in the correctional facility by the reporter, the videographer and any devices and electronic equipment necessary to record the deposition, including but not limited to a laptop computer and a video camera.

It is further stipulated and agreed that, because Ms. Mullen will be incarcerated at the time of the trial of Ms. McDonald's claims against Officer Gilbert, defendant Gilbert stipulates that the deposition is admissible under Fed. R. Civ. P. 32(a) and Fed. R. Evid. 804(b)(1). Defendant Gilbert reserves his rights to object to its admissibility under Fed. R. Evid. 415 or on other grounds.

Dated: New York, New York
June 8, 2012

By: 

THE LEGAL AID SOCIETY
PRISONERS' RIGHTS PROJECT

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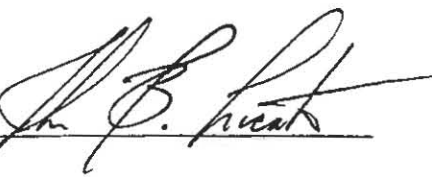
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Counsel for plaintiffs

SO ORDERED.

Dated: June , 2012
Rochester, New York

By: 

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Counsel for defendant John Gilbert, III

The Hon. Jonathan W. Feldman
United States Magistrate Judge